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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.165 OF 2006
IN
CRIMINAL APPEAL NO.841 OF 2005

Arvind Gajrao Patel and)
Guddu Bakeprasad Patel) ... Applicants

Vs.

State of Maharashtra)
(At the instance of Police Station Kurar,)
Mumbai.)) ... Respondent

Mr. Zia Ul Mustafa for the applicants.

Mr. P.S. Hingorani, A.P.P. for the respondent.

CORAM : SMT. RANJANA DESAI &
ANOOP V. MOHTA, JJ.

DATED : 27TH APRIL, 2006.

P.C.:-

1. On 3/10/2005, we had released the applicants on bail. The operative part of the order reads as under:

“Appellants - Arvind Gajo Patil and Guddu Bakeprasad Patil – original accused Nos.1 and 2 respectively, are ordered to be released on bail in the sum of Rs.25,000/- each. The applicants shall furnish a local surety. The applicants shall attend Kurar Police Station, once in a month.”

AJN

2. We are informed that thereafter original accused 1 Arvind Gajrao Patel has availed of the bail order passed by us and has been released on bail. However, original accused 2 Guddu Bakeprasad Patel could not avail of the bail order. The present application is made by the applicants praying that surety amount and the condition for local surety be relaxed. Since original accused 1 has already been released on bail, the modification if any, has to be done in respect of the bail order of original accused 2.

3. In the circumstances of the case and considering the fact that the bail order was passed on 3/10/2005 and original accused 2 has not been able to avail the bail order, we feel that the bail order needs to be modified. Hence, we modify the bail order dated 3/10/2005 to the following effect.

“Original accused 2 - Guddu Bakeprasad Patel is ordered to be released on bail in the sum of Rs.10,000/-. He shall furnish a local surety and shall attend Kurar Police Station, once in a month.”

4. Application is disposed of in the aforestated terms.

[SMT. RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]